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Marine Park Referring Center, Inc. d/b/a
Marine Park Referring Center, and Hisham Almehdawi*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SOUAD KARFA, individually,

Plaintiff,

-against-

MARINE PARK REFERRING CENTER, INC. d/b/a
MARINE PARK REFERRING CENTER and
HISHAM ALMEHDAWI, jointly and severally,

Defendants.
-----X

**Case No. 19-cv-06091
(PKC)(CLP)**

ANSWER

ANSWER TO COMPLAINT

The Defendants MARINE PARK REFERRING CENTER, INC. d/b/a MARINE PARK REFERRING CENTER and HISHAM ALMEHDAWI, (hereinafter referred to, collectively, as the “Defendants”), by and through their attorneys, STEPHEN D. HANS AND ASSOCIATES, P.C., as and for their Answer to the Plaintiff’s Complaint filed on October 29, 2019 (hereinafter the “Complaint”), respond as follows:

**AS AND FOR AN ANSWER TO PLAINTIFF’S
“NATURE OF THE ACTION”**

1. With respect to the allegations contained in Paragraph 1 of the Complaint, the Defendants deny the allegations contained in such Paragraph except this action is styled as such and makes such allegations.

AS AND FOR AN ANSWER TO PLAINTIFF'S
"SUMMARY"

2. With respect to the allegations contained in Paragraph 2 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

3. With respect to the allegations contained in Paragraph 3 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

4. With respect to the allegations contained in Paragraph 4 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

5. With respect to the allegations contained in Paragraph 5 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO PLAINTIFF'S
"JURISDICTION AND VENUE"

Federal Question Jurisdiction and Supplemental Jurisdiction

6. With respect to the allegations contained in Paragraph 6 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

Personal Jurisdiction

7. With respect to the allegations contained in Paragraph 7 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

Venue

8. With respect to the allegations contained in Paragraph 8 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "THE PARTIES"**

Plaintiff

Souad Karfa

9. With respect to the allegations contained in Paragraph 9 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

10. With respect to the allegations contained in Paragraph 10 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

11. With respect to the allegations contained in Paragraph 11 of the Complaint, the Defendants admit the allegations contained in such Paragraph.

12. With respect to the allegations contained in Paragraph 12 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

13. With respect to the allegations contained in Paragraph 13 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

14. With respect to the allegations contained in Paragraph 14 of the Complaint, the Defendants admit the allegations contained in such Paragraph.

15. With respect to the allegations contained in Paragraph 15 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

16. With respect to the allegations contained in Paragraph 16 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

17. With respect to the allegations contained in Paragraph 17 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

18. With respect to the allegations contained in Paragraph 18 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

19. With respect to the allegations contained in Paragraph 19 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

20. With respect to the allegations contained in Paragraph 20 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

21. With respect to the allegations contained in Paragraph 21 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

22. With respect to the allegations contained in Paragraph 22 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

23. With respect to the allegations contained in Paragraph 23 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

24. With respect to the allegations contained in Paragraph 24 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

25. With respect to the allegations contained in Paragraph 25 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

26. With respect to the allegations contained in Paragraph 26 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

27. With respect to the allegations contained in Paragraph 27 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

28. With respect to the allegations contained in Paragraph 28 of the Complaint, the Defendants admit the allegations contained in such Paragraph.

29. With respect to the allegations contained in Paragraph 29 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

30. With respect to the allegations contained in Paragraph 30 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

31. With respect to the allegations contained in Paragraph 31 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

Defendants

32. With respect to the allegations contained in Paragraph 32 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

Corporate Defendant

Marine Park Referring Center Inc.

33. With respect to the allegations contained in Paragraph 33 of the Complaint, the Defendants admit the allegations contained in such Paragraph.

34. With respect to the allegations contained in Paragraph 34 of the Complaint, the Defendants admit the allegations contained in such Paragraph.

35. With respect to the allegations contained in Paragraph 35 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

36. With respect to the allegations contained in Paragraph 36 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

37. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

38. With respect to the allegations contained in Paragraph 38 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

39. With respect to the allegations contained in Paragraph 39 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

Individual Defendant

Hisham Almehdawi

40. With respect to the allegations contained in Paragraph 40 of the Complaint, the Defendants admit the allegations contained in such Paragraph.

41. With respect to the allegations contained in Paragraph 41 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

42. With respect to the allegations contained in Paragraph 42 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

43. With respect to the allegations contained in Paragraph 43 of the Complaint, the Defendants admit the allegations contained in such Paragraph.

44. With respect to the allegations contained in Paragraph 44 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

45. With respect to the allegations contained in Paragraph 45 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "FIRST CAUSE OF ACTION"**

Fair Labor Standards Act – Unpaid Overtime Wages

46. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

47. With respect to the allegations contained in Paragraph 47 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

48. With respect to the allegations contained in Paragraph 48 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

49. With respect to the allegations contained in Paragraph 49 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

50. With respect to the allegations contained in Paragraph 50 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

51. With respect to the allegations contained in Paragraph 51 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

52. With respect to the allegations contained in Paragraph 52 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

53. With respect to the allegations contained in Paragraph 53 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

54. With respect to the allegations contained in Paragraph 54 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "SECOND CAUSE OF ACTION"**

Fair Labor Standards Act – Prohibited Retaliation

55. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

56. With respect to the allegations contained in Paragraph 56 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

57. With respect to the allegations contained in Paragraph 57 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

58. With respect to the allegations contained in Paragraph 58 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "THIRD CAUSE OF ACTION"**

New York Labor Law – Unpaid Overtime Compensation

59. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

60. With respect to the allegations contained in Paragraph 60 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

61. With respect to the allegations contained in Paragraph 61 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

62. With respect to the allegations contained in Paragraph 62 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

63. With respect to the allegations contained in Paragraph 63 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

64. With respect to the allegations contained in Paragraph 64 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

65. With respect to the allegations contained in Paragraph 65 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

66. With respect to the allegations contained in Paragraph 66 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "FOURTH CAUSE OF ACTION"**

New York Labor Law – Prohibited Retaliation

67. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

68. With respect to the allegations contained in Paragraph 68 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

69. With respect to the allegations contained in Paragraph 69 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "FIFTH CAUSE OF ACTION"**

New York Executive Law – Sexual Harassment and Retaliation

70. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

71. With respect to the allegations contained in Paragraph 71 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

72. With respect to the allegations contained in Paragraph 72 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

73. With respect to the allegations contained in Paragraph 73 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

74. With respect to the allegations contained in Paragraph 74 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

75. With respect to the allegations contained in Paragraph 75 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

76. With respect to the allegations contained in Paragraph 76 of the Complaint, the Defendants deny the allegations contained in such Paragraph

77. With respect to the allegations contained in Paragraph 77 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

78. With respect to the allegations contained in Paragraph 78 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

79. With respect to the allegations contained in Paragraph 79 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

80. With respect to the allegations contained in Paragraph 80 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

81. With respect to the allegations contained in Paragraph 81 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "SIXTH CAUSE OF ACTION"**

New York Labor Law – Failure to Provide Notice at Time of Hiring

82. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

83. With respect to the allegations contained in Paragraph 83 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

84. With respect to the allegations contained in Paragraph 84 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "SEVENTH CAUSE OF ACTION"**

New York Labor Law – Failure to Provide Wage Statements

85. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

86. With respect to the allegations contained in Paragraph 86 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

87. With respect to the allegations contained in Paragraph 87 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
STATEMENTS REGARDING "EIGHTH CAUSE OF ACTION"**

New York City Administrative Code – Sexual Harassment and Retaliation

88. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

89. With respect to the allegations contained in Paragraph 89 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

90. With respect to the allegations contained in Paragraph 90 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

91. With respect to the allegations contained in Paragraph 91 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

92. With respect to the allegations contained in Paragraph 92 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

93. With respect to the allegations contained in Paragraph 93 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

94. With respect to the allegations contained in Paragraph 94 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

95. With respect to the allegations contained in Paragraph 95 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

96. With respect to the allegations contained in Paragraph 96 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

97. With respect to the allegations contained in Paragraph 97 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

98. With respect to the allegations contained in Paragraph 98 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

99. With respect to the allegations contained in Paragraph 99 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

100. With respect to the allegations contained in Paragraph 100 of the Complaint, the Defendants deny the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO
PLAINTIFFS' "PRAYER FOR RELIEF"**

With respect to the allegations contained in Paragraphs (A) through (Q) of the Complaint's prayer for relief, the Defendants deny that the Plaintiff is entitled to any of the relief sought.

AFFIRMATIVE AND OTHER DEFENSES

The Defendants assert the following affirmative and other defenses without assuming any burden of production or proof that they would not otherwise have. The Defendants further assert that, to the extent that the Plaintiff's claims as alleged are vague or unclear, so as to render it difficult or impossible to identify and assert every possible affirmative or other defense, the Defendants hereby expressly reserve their rights to assert additional defenses should further proceedings in this action, including the progress of any discovery, reveal that such additional defenses would be applicable and appropriate.

AS AND FOR A FIRST DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Defendants state, in the alternative if necessary, that their actions or omissions with respect to the Plaintiff was taken in good faith, with reasonable belief that such conduct comported with the requirements of federal and state law.

AS AND FOR A SECOND DEFENSE TO THE PLAINTIFF'S COMPLAINT

Subject to proof through discovery, some or all of the claims asserted by the Plaintiff may be barred in whole or in part by the doctrine of unclean hands.

AS AND FOR A THIRD DEFENSE TO THE PLAINTIFF'S COMPLAINT

Subject to proof through discovery, some or all of the claims asserted by the Plaintiff may be barred in whole or in part by the doctrine of estoppel, quasi-estoppel, and/or equitable estoppel.

AS AND FOR A FOURTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Defendants state, in the alternative if necessary, that their actions or omissions with respect to the Plaintiff was taken in good faith, with reasonable belief that such conduct comported with the requirements of federal and state law.

AS AND FOR A FIFTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

To the extent that any of the Plaintiff may have received compensation beyond that to which they were entitled under law, such additional compensation may satisfy, in whole or in part, any alleged claim for unpaid wages and overtime compensation or other monetary relief.

AS AND FOR A SIXTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Defendants state, in the alternative if necessary, that if they are found to have violated any law or regulation, that any such violation was not willful.

RESERVATION OF RIGHTS TO ASSERT ADDITIONAL DEFENSES

The Defendants state that they currently have insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, defenses available. As such, the Defendants expressly reserve the right to assert additional defenses, and to seek to amend this Answer to include any such additional defenses, in the event discovery indicates that any such additional defenses would be appropriate.

